

Rep.Gundrum

From: Rep.Steffen
Sent: Wednesday, June 05, 2019 11:35 AM
To: *Legislative All Assembly; *Legislative All Senate
Subject: Co-Sponsorship LRB 0759/1 and LRB 3454/1 relating to: trespassing on the property of an energy provider and providing a penalty
Attachments: 19-0759_1.pdf
Categories: Confirmed

CO-SPONSOR MEMORANDUM

To: All Legislators
From: Representatives David Steffen and Senator Van Wanggaard
Re: Co-Sponsorship of LRB 0759/1 and LRB 3454/1
Deadline: June 19th, 2019 at 5:00 pm

In 2015, we introduced bipartisan legislation that provides criminal penalties for individuals who intentionally damage or unlawfully enter property of an energy provider. This legislation was passed and signed into law as 2015 Wisconsin Act 158.

Under Act 158, any person who intentionally damages property owned, operated, or leased by an energy provider and intends to cause substantial interruption of the energy provider's goods or services is guilty of a Class H felony.

"Energy provider" is defined under Act 158 as follows:

- A public utility that is engaged in the production, transmission, delivery, or furnishing of heat, power, light, or water or the transmission or delivery of natural gas.
- An electric transmission company.
- A cooperative association organized for the purpose of producing or furnishing heat, light, or power for its members.
- A wholesale merchant plant.
- A decommissioned nuclear power plant.

Inadvertently, Act 158 did not include language covering the energy infrastructure provided by the water utilities, oil, petroleum, and renewable fuel industries, leaving a significant portion of the energy industry unprotected under the new law. LRB-0759/1 and LRB 3454/1 corrects this omission by incorporating and protecting this infrastructure.

LRB-0759/1 and LRB 3454/1 would simply add the underlined language below to the current definition of the current statutes:

"Energy provider property" means property that is part of an electric generation, distribution, or transmission system or part of an electric, natural gas, oil, petroleum, refined petroleum product, renewable fuel, water, or chemical generation, transmission, or distribution system and that is owned, leased, or operated by an energy provider."

If you would like to co-sponsor this bill, please contact Christina in Rep. Steffen's office (6-5840) or Scott in Sen. Wanggaard's office (6-1832) or reply to this email by June 19th at 5:00 pm.

Analysis by the Legislative Reference Bureau

Under current law, it is a Class H felony to trespass on the property of an energy provider and a Class 1 felony to cause damage to the property of an energy provider if the actor intended to or caused an interruption or impairment of services provided by the energy provider. Under this bill, the definition of "energy provider" is expanded to include a company that operates a gas, oil, petroleum, refined petroleum product, renewable fuel, or chemical generation, storage transportation, or delivery system. Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0759/1
MLJ:cdc

2019 BILL

1 AN ACT *to amend* 943.01 (2k) (a) 1. a., 943.01 (2k) (a) 3., 943.143 (1) (a) 1. a.,
2 943.143 (1) (a) 3. and 943.143 (1) (b); and *to create* 943.01 (2k) (a) 6., 943.01
3 (2k) (c), 943.143 (1) (a) 6. and 943.143 (3) of the statutes; **relating to:**
4 trespassing on the property of an energy provider and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, it is a Class H felony to trespass on the property of an energy provider and a Class I felony to cause damage to the property of an energy provider if the actor intended to or caused an interruption or impairment of services provided by the energy provider. Under this bill, the definition of "energy provider" is expanded to include a company that operates a gas, oil, petroleum, refined petroleum product, renewable fuel, or chemical generation, storage transportation, or delivery system.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

5 SECTION 1. 943.01 (2k) (a) 1. a. of the statutes is amended to read:

BILL**SECTION 1**

1 943.01 (2k) (a) 1. a. The production, transmission, delivery, or furnishing of
2 heat, power, or light, or water.

3 **SECTION 2.** 943.01 (2k) (a) 3. of the statutes is amended to read:

4 943.01 (2k) (a) 3. A cooperative association organized under ch. 185 for the
5 purpose of producing or furnishing heat, light, or power, or water for its members.

6 **SECTION 3.** 943.01 (2k) (a) 6. of the statutes is created to read:

7 943.01 (2k) (a) 6. A company that operates a gas, oil, petroleum, refined
8 petroleum product, renewable fuel, water, or chemical generation, storage
9 transportation, or delivery system.

10 **SECTION 4.** 943.01 (2k) (c) of the statutes is created to read:

11 943.01 (2k) (c) Paragraph (b) does not apply to any of the following:

12 1. Any person who is:

13 a. Monitoring compliance with public or worker safety laws, wage and hour
14 requirements, or other statutory requirements.

15 b. Engaging in picketing occurring at the workplace that is otherwise lawful
16 and arises out of a bona fide labor dispute including any controversy concerning any
17 of the following: wages or salaries; hour; working conditions; benefits, including
18 welfare, sick leave, insurance, pension or retirement provisions; or the managing or
19 maintenance of collective bargaining agreements and the terms to be included in
20 those agreements.

21 c. Engaged in union organizing or recruitment activities that is otherwise
22 lawful including attempting to reach workers verbally, in writing, and in the
23 investigation of non-union working conditions.

24 2. An exercise of a person's right of free speech or assembly that is otherwise
25 lawful.

BILL

1 **SECTION 5.** 943.143 (1) (a) 1. a. of the statutes is amended to read:

2 943.143 (1) (a) 1. a. The production, transmission, delivery, or furnishing of
3 heat, power, ~~or light, or water.~~

4 **SECTION 6.** 943.143 (1) (a) 3. of the statutes is amended to read:

5 943.143 (1) (a) 3. A cooperative association organized under ch. 185 for the
6 purpose of producing or furnishing heat, light, ~~or power, or water~~ for its members.

7 **SECTION 7.** 943.143 (1) (a) 6. of the statutes is created to read:

8 943.143 (1) (a) 6. A company that operates a gas, oil, petroleum, refined
9 petroleum product, renewable fuel, water, or chemical generation, storage
10 transportation, or delivery system.

11 **SECTION 8.** 943.143 (1) (b) of the statutes is amended to read:

12 943.143 (1) (b) "Energy provider property" means property that is part of an
13 electric ~~generation, distribution, or transmission system or part of a~~, natural gas, oil,
14 petroleum, refined petroleum product, renewable fuel, water, or chemical
15 generation, transmission, or distribution system and that is owned, leased, or
16 operated by an energy provider.

17 **SECTION 9.** 943.143 (3) of the statutes is created to read:

18 943.143 (3) This section does not apply to any of the following:

19 (a) Any person who is:

20 1. Monitoring compliance with public or worker safety laws, wage and hour
21 requirements, or other statutory requirements.

22 2. Engaging in picketing occurring at the workplace that is otherwise lawful
23 and arises out of a bona fide labor dispute including any controversy concerning any
24 of the following: wages or salaries; hour; working conditions; benefits, including
25 welfare, sick leave, insurance, pension or retirement provisions; or the managing or

BILL**SECTION 9**

1 maintenance of collective bargaining agreements and the terms to be included in
2 those agreements.

3 3. Engaging in union organizing or recruitment activities that are otherwise
4 lawful including attempting to reach workers verbally, in writing, and in the
5 investigation of non-union working conditions.

6 (b) An exercise of a person's right of free speech or assembly that is otherwise
7 lawful.

8 (END)